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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Indonesia: extrajudicial and summary executions remain a serious problem despite legal guarantees to the right to life

1. The Asian Legal Resource Centre (ALRC) wishes to draw the attention of the UN Human Rights Council to the widespread occurrence of extrajudicial and summary executions within Indonesia. Such cases are rarely effectively investigated. With the security forces and other arms of the state apparatus frequently involved in such crimes, law enforcement agencies have become an obstacle in enforcing law and investigating crime.

2. The sanctity of the right to life is expressed in Article 28 of Indonesia's Constitution, Article 4 of Law No. 12 of 2005, concerning the Ratification of the Covenant on Civil and Political Rights, and Article 4 of Law No. 39 of 1999 on human rights. Despite this, countless cases of extrajudicial and summary executions occurred under former President Susilo Bambang Yudhoyono's administration (2004-2014), and they are continuing under current President Joko Widodo. The violation of the right to life occurs in many parts of the country, linked to various rights, including the right to land and natural resources, religious freedom, freedom of expression and association.

3. Some of the grave instances of extrajudicial killings documented by the Asian Human Rights Commission, sister organisation of the ALRC, between 2010 and 2014 are as follows:
a. Police officers of Bima police sector shoot to death three local farmers in Sape Port, West Nusa Tenggara Province, in 2011.
b. Police mobile brigade [Brimob] shoot to death Angga Bin Darmawan, a 12-year-old boy in Ogan Ilir, South Sumatra Province, on 27 July 2012.
c. Police officers of Cisauk Police Sector, Bogor, West Java Province torture and shoot to death Mr. Yusli, a suspect of motorcycle theft, on 26 December 2011.
d. Police officers in Papua shoot to death a labourer of the Freeport Company in Timika, Papua Province, during a peaceful protest conducted by labour associations on 10 October 2011.
e. Intolerant mobs brutally attack and kill individuals belonging to minority religious and belief groups: one Shia follower killed in Sampang Regency, East Java Province in 2012; three Ahmadiyya followers killed in Cikeusik, West Java, in 2011; and Tengku Ayub, the leader of a local belief group killed in Aceh Province on 17 November 2012.

4. Extrajudicial killings have a close link with custodial torture in Indonesia. For instance, on 13 October 2013, Mr. Aslim Zalim, a 34-year-old civil servant, was tortured to death in police custody in Bau Bau Regency, South East Sulawesi. Similar methods were used by the Indonesian Army to kill a local tribe member, Mr. Puji, on 4 March 2014 in Jambi Province. Six soldiers and a security guard of the Asiatic Persada Company brutally tortured Puji, after which he was taken to a local hospital in Jambi City. Due to grave injuries suffered, Puji died.

5. The Army is also involved in extrajudicial killings and other abuse in Papua, where severe restrictions on many freedoms are imposed by the State. On 8 December 2014, soldiers shot to death five persons aged between 16-18 years, while 22 others were injured. According to Paniai Customary Council head, Mr. John Gobay, the shooting took place when local residents from Togokotu village were gathering at the Soeharto field to protest the brutal attack on Yulianus Yeimo, a 15-year-old boy, which had occurred the previous night.

6. The Special Detachment 88 (Densus 88), the anti-terror unit of the Indonesian Police, is another body responsible for extrajudicial killings and other human rights abuse. On 14 May 2011, the group shot to death Mr. Nur Iman, a street vendor in Sukoharjo, Central Java Province. Two innocent civilians were shot to death in Cawang, Jakarta, on 13 May 2010. In these and other documented cases, there has been no proper investigation. Under former President Yudhoyono's administration, Densus 88 was untouchable, and this is likely to continue under the current government. The lack of accountability for their actions and abuse of power means that Densus 88 agents are free to continue committing human rights violations.

7. According to the Commission for Disappeared and Victims of Violence (KontraS), it is the police and military that has committed the most extrajudicial killings over the last five years. The number of military officers committing such human rights abuse is seen to be decreasing however, while the number of police officers doing so is increasing. Beside the military and police, perpetrators of extrajudicial and summary killings consist of multinational corporations, thugs, and private security guards that are being tolerated by the State.

8. Extrajudicial executions also occurred during the latest general election in 2014. KontraS documented several brutal attacks by unknown persons against members of local political parties in Aceh Province. One case was that of Mr. Faisal, a parliamentary candidate, who was shot to death by an automatic M16 gun on 2 March 2014. Three members of the Aceh Political Party were shot to death by automatic gun as well, in Geulanggang Teungoh village, Aceh, on March 31. More than a year later, the police have failed to investigate and prosecute the perpetrators.

9. Extrajudicial killings are a serious problem in Indonesia. The ALRC draws the Human Rights Council's attention to the UN Human Rights Committee's recommendations to the Indonesian government in 2013, and requests that the Council urge Indonesia to promptly implement them:

"The State party should take concrete steps to prevent the excessive use of force by law enforcement officers by ensuring that they comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It should also take appropriate measures to strengthen the National Police Commission to ensure that it can effectively deal with reported cases of alleged misconduct by law enforcement personnel. Furthermore, the State party should take practical steps to put an end to impunity for its security personnel regarding arbitrary and extrajudicial killings, and should take appropriate measures to protect the rights of political dissidents and human rights defenders. The State party should systematically and effectively investigate and prosecute cases of extrajudicial killings and, in the event of a conviction, punish those responsible, and provide adequate compensation to the victims' families."